Day Three Problems

Patent Fundamentals Bootcamp 2021:

*An Introduction to Patent Drafting, Prosecution, and Litigation*

June 4, 2021

DAY 3 PROBLEM

Attached is a fax from a client seeking litigation advice. The client attaches a copy of a web page showing a chair from a website of a competitor that may infringe our new patent. Please:

1. Prepare an INFRINGEMENT claim chart to determine whether they infringe the '210 patent (use the template provided); students with last names beginning in A-L should take a "narrow construction" position of the claim element; students with last names beginning in M-Z should take a "broad construction" position of the claim element.
2. Prepare an INVALIDITY claim chart (in same table) to determine whether the web page chair anticipates or renders obvious the claims (use the template provided); students with last names beginning in A-L should take a "narrow construction" position of the claim element; students with last names beginning in M-Z should take a "broad construction" position of the claim element.

**Acme Seating, Inc.**

53 San Carlos St. San Jose, CA 95192

FACSIMILE COVER SHEET

|  |  |  |
| --- | --- | --- |
| Date: | May 6, 2017 |  |
| To: | Patent Attorney |  |
| From: | Company President |  |
| Re: | Chair Patent |  |

Message:

See attached Flyer. These guys are ripping me off. Can we stop them based on the Chair Patent? How much will it cost? I would like to get licensing royalties, but cannot afford a lawsuit right now, so be careful not to get us sued.

Please call me after you review the flyer.

**The Senator Guest Chair**



**A** comfortable guest chair to match your traditional decor. Features a wrap around back and padded armrests with brass tacks to top it off. Chair can be ordered with casters for mobility or without for stationary applications. Frame is finished in mahogany and also has brass tacks at the seat edges. 15 year warranty. Dimensions: Back Size: 23"W x 12.5"H x 3.5"Thick. Seat Size: 22"W x 20"0 x 4"Thick. Normal delivery time: 7-12 business days.

TV231Regular price: $139.99Sale price: $109.99

|  |  |  |
| --- | --- | --- |
| **Claims** | **Claim Construction** | **Infringing Product** |
| 1. An apparatus comprising: |  |  |
| a substantially planar surface with a firstand a second surface; and |  |  |
| at least three elongate members, themembers each having a first end and asecond end, the first ends connected to thefirst surface of the planar surface andoriented with respect to the planar surfacesuch that the elongate members aresubstantially perpendicular to the planarsurface and the elongate members aresubstantially parallel to each other. |  |  |

|  |  |  |
| --- | --- | --- |
| **Claims** | **Claim Construction** | **Infringing Product** |
|  |  |  |
| 2. An apparatus according to claim 1,further comprising a support memberconnected to the second surface of theplanar surface and oriented in a directiongenerally parallel to the elongate members. |  |  |

|  |  |  |
| --- | --- | --- |
| **Claims** | **Claim Construction** | **Infringing Product** |
| 3. An apparatus according to claim 1,further comprising exactly three elongatemembers. |  |  |

|  |  |  |
| --- | --- | --- |
| **Claims** | **Claim Construction** | **Infringing Product** |
| 4. An apparatus according to claim 1,further comprising exactly four elongatemembers. |  |  |
| 5. An apparatus according to claim 1,wherein the planar surface and elongatemembers are wood. |  |  |
| 6. An apparatus according to claim 1,wherein the length of each of the elongatemembers is approximately equal to thedistance between the knee and the ankle ofan adult human leg. |  |  |
| 7. An apparatus according to claim 1,wherein the area of the planar surface isapproximately equal to the area of the backsurface of an adult human buttock. |  |  |

**SAMPLE PATENT**

## For use by jurors viewing

An Introduction to the Patent System.

## FJC videotape# 4342-V/02

These materials were produced by the Federal Judicial Center in furtherance of the Center's statutory mission to develop and conduct education programs. The views expressed are those of the authors and not necessarily those of the Federal Judicial Center.

Produced by the Federal Judicial Center

2002









